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December 8, 1997

Ms. Magalie Roman Salas
Secretary
Office of the Secretary
1919 M Street N.E. Room No. 222
Washington, DC 20554

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92-237

RE: Petition for Waiver by West Texas Rural Telephone Cooperative Inc. to
Request a Waiver of the January 1, 1998 Deadline for the Provision of Four
Digit Feature Group D CIC Functionality

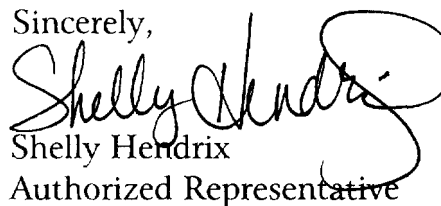
Dear Ms. Salas:

Accompanying this letter please find an original and five (5) copies of petition for
waiver by West Texas Rural Telephone Cooperative, Inc. (West Texas Rural)
requesting a waiver of the January 1, 1998 deadline for the provision of four digit
feature Group D CIC functionality. Please stamp and return one copy to us in the
enclosed stamped, self-addressed envelope.

This filing is made in accordance with Section 1.3 of the Rules of the Federal
Communications Commission. West Texas Rural proposes that the deadline for the
provision of four digit feature Group D CIC functionality is extended until March 31,
1998 when all of its non-conforming end offices are technically capable of providing
this function.

Please call me at (512)343-2544 if there are any questions regarding this filing.

Sincerely,


Shelly Hendrix
Authorized Representative

SH/GM/pjp
Enclosure

cc: Mr. Thomas A. Hyer
West Texas Rural Telephone Cooperative, Inc.

No. of Copies rec'd
List ABOVE

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 16 1997

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In the Matter of)
)
Administration of the)
North American Numbering Plan)
Carrier Identification Codes)
(CICs)

CC Docket No. 92-237

Petition for Waiver

West Texas Rural Telephone Cooperative, Inc. ("West Texas Rural"), pursuant to Section 1.3 of the Rules of the Federal Communications Commission ("Commission"),¹ hereby requests a waiver of the January 1, 1998 deadline for the provision of four digit Feature Group D Carrier Identification Coders ("CIC") functionality² until March 31, 1998, when all of its non-conforming end offices are technically capable of providing this function. West Texas Rural is currently in the process of a upgrade project to achieve four digit CIC functionality. As a result of its efforts to provide improved services, all of West Texas Rural's end offices will have the four digit CIC functionality as of March 31, 1998. These end offices cannot be converted by the January 1, 1998 deadline without West Texas Rural incurring additional and unnecessary costs. Accordingly, West Texas Rural submits that grant of this waiver will serve the public interest. In support of this request, the following is shown.

¹ 47 C.F.R. § 1.3 (1996).

² See In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs). Petition for Rulemaking of VarTec Telecom, Inc., Second Report and Order, CC Docket No. 92-237, FCC 97-125, released April 11, 1997, per. recon. Pending ("Second Report and Order").

I. Background

West Texas Rural is an incumbent Local Exchange Carrier ("LEC") headquartered in Hereford, Texas, serving approximately 1,900 access lines. West Texas Rural is a cooperative serving its owners/customers throughout a local exchange service area of approximately 3,000 square miles. In January 1991, West Texas Rural began the phased conversion of all of its 9 end offices to equal access. This process was completed in March 29, 1991.

West Texas Rural was aware of the need to migrate to four digit CIC capability and anticipated being in compliance with the originally proposed six year transition required for conversion to four digit CICs, *i.e.*, by the year 2000.³ After the issuance of the Second Report and Order,⁴ West Texas Rural started the conversion process in June of 1997. However, West Texas Rural submits that it would be economically infeasible to alter its upgrade process to achieve four digit CIC functionality in all of its non-conforming

³ Second Report and Order at ¶ 4.

⁴ In the Second Report and Order, the Commission found that the transition from the concurrent use of three digit CICs and four digit CICs "should end as soon as practicable, and that shortening the originally proposed six-year transition to a two-year and nine month transition will serve the overall pro-competitive purposes of the [Telecommunications Act of 1996]...." The Commission concluded that the shorter transition gave "carriers and equipment owners a reasonable period to complete upgrading their equipment and educating customers about the change from three digit Feature Group D CICs to four digit Feature Group D CICs." *Id.* At ¶ 27. On Reconsideration, however, the Commission affirmed the January 1, 1998 date for LEC compliance, but extended the concurrent use of three and four digit CICs until June 30, 1998. See In the Matter of Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking ("Reconsideration Order") at ¶ 20, CC Docket No. 92-237, released October 22, 1997.

exchanges by the January 1, 1998 deadline. West Texas Rural has explored all reasonable alternatives and has determined that additional time is necessary for it to complete its upgrade process; West Texas Rural anticipates completion of all upgrades necessary to provide the four digit CIC function in the affected exchanges by March 31, 1998. Moreover, the public interest would be served if West Texas Rural's current upgrade process continues since it ensures compliance with the June 30, 1998 date when the utilization of three digit CICs will end.⁵

West Texas Rural's non-conforming offices are Dawn, Frio, Hub, Milo Center, Oklahoma Lane, Parmer, Summerfield, Tharp, and Westway.

II. Good Cause Exists For Grant Of Waiver

West Texas Rural submits that good cause exists for this waiver.⁶ As demonstrated herein, it would be infeasible for West Texas Rural to comply with the January 1, 1998 deadline for conversion to the four digit CIC capability in these facilities without disrupting its on-going upgrade project and incurring additional and unnecessary expense. West Texas Rural is "striving,

⁵ Reconsideration Order at ¶ 20.

⁶ "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.D. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

and will continue to strive, to achieve compliance with the four-digit CIC requirement by January 1, 1998."⁷ Despite this effort, however, West Texas Rural cannot accomplish compliance with the four digit CIC requirements by the January 1, 1998 date without wasteful investment. Accordingly, West Texas Rural requests a brief extension of time, until March 31, 1998, to implement four digit CIC capability in all of its exchanges noted herein. This waiver will enable West Texas Rural to continue and complete its conversion and upgrade of switch facilities to support the four digit CIC function in a rational and efficient manner. As the Commission has recognized, some LECs will not be able to convert their switches by the January 1, 1998 deadline, and that such LECs "must seek relief from the Commission prior to that date."⁸ The Commission also recognized that "on balance" the public interest is best served by moving to use of four-digit CICs as soon as possible.⁹ West Texas Rural submits that by striving to complete its upgrade project as quickly as possible, it is acting in a manner consistent with the Commission's policies and directives in this proceeding.¹⁰

Grant of this request will allow West Texas Rural to complete its upgrade process and deploy new switch facilities in the most rational and efficient manner which, in turn, will benefit its subscribers. It would be unduly burdensome, if not impossible, for

⁷ Reconsideration Order at ¶ 24.

⁸ Id.

⁹ Id. at ¶ 25.

¹⁰ Id. at ¶ 24.

West Texas Rural to alter substantially the upgrade process it began six months ago. Moreover, it would be inequitable if West Texas Rural's customers were required to bear the additional burden of uneconomic costs resulting from requiring an abrupt change in West Texas Rural's plans.

West Texas Rural anticipates that the only IXCs to be affected by a grant of this waiver are those that have been issued new four digit CICs. As is the situation today, these carriers are not able to receive carrier access code calls originated from West Texas Rural's customers in all the exchanges at issue. However, IXCs with three digit CICs will continue to have carrier access code calling on and until the June 30, 1998 date when the use of three digit CICs will end.¹¹

III. Conclusion

In light of these specific facts and circumstances, West Texas Rural submits that good cause exists for this waiver of the January 1, 1998, deadline until March 31, 1998, for conversion to four digit CIC capability in all the affected exchanges, and any attendant customer education requirement. While West Texas Rural will make every reasonable effort to expedite the date of completion of conversion to four digit CICs, it anticipates that the extension to March 31, 1998, is necessary to ensure the deployment of the four digit CIC feature in a reasonably efficient manner.

¹¹ Reconsideration Order at ¶ 20.


Respectfully submitted,
West Texas Rural Telephone Cooperative, Inc.

By Shelly Hendrix
Shelly Hendrix
Authorized Representative

December 5, 1997

DECLARATION OF Thomas A. Hyer

I, Thomas A. Hyer, Manager for West Texas Rural Telephone Cooperative, Inc., do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.



Thomas A. Hyer
Manager
West Texas Rural Telephone
Cooperative, Inc.

Date: December 5, 1997